



**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10**

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

SEP 11 2014

OFFICE OF  
COMPLIANCE AND ENFORCEMENT

Reply To: OCE-127

**Certified Mail Number Return Receipt Requested**

David Puckett, Plant Manager  
Verdesian Life Sciences  
P. O. Box 3453  
Pasco, Washington 99302

**Re: NOTICE OF VIOLATION and WARNING LETTER**  
Verdesian Life Sciences  
EPA ID Number WAH 00004 7259

Dear Mr. Puckett:

This Notice of Violation (NOV) and Warning Letter is to inform Verdesian Life Sciences (VLS) of violations of the Resource Conservation and Recovery Act, as amended (RCRA), at your facility in Pasco, Washington. These violations were identified as a result of an inspection conducted by the U.S. Environmental Protection Agency (EPA) on July 16, 2014, at the VLS facility located at 821 South Chestnut, Pasco, Washington. The inspection was conducted pursuant to EPA inspection authority under Section 3007 of RCRA (42 U.S.C. § 6927). The State of Washington has a federally authorized RCRA program; therefore, the inspection was conducted to assess compliance with the authorized portions of WAC 173-303. From the observations made during the inspection, the RCRA violation cited below was identified at your facility.

**Violation: Failure to determine if a solid waste is a dangerous waste**

The regulation at WAC 173-303-170(1)(a) states that a person who generates a solid waste is responsible for determining if their solid waste is also a dangerous waste as defined by WAC 173-303-070 through WAC 173-303-100.

At the time of the July 16, 2014 inspection, the EPA inspector observed a ten gallon container that was being used to accumulate effluent waste from the atomic absorption spectrometer in the lab. VLS personnel stated that they had never determined if the waste in the container was dangerous waste. Failure to determine if a solid waste is a dangerous waste is a violation of WAC 173-303-170(1)(a).

**Warning:**

In addition to the violation cited above, during the inspection EPA obtained verbal information that the following activities were regularly practiced by the facility. However, because EPA did not observe these practices and did not find any physical evidence to support the verbal evidence, we are not citing these issues as violations at this time. Please be advised these activities must be changed if they are continuing practices.

At the time of the inspection, VLS personnel stated that they puncture used aerosol cans and pour any remaining residue from the aerosol cans into their used oil without first determining if the residue from the aerosol cans designates as a dangerous waste, as required by WAC 173-303-170(1)(a). Additionally, the State of Washington prohibits the mixing of used oil with any dangerous waste. Should any of the contents of the aerosol cans be considered a dangerous waste per WAC 173-303-070 through WAC 173-303-100, VLS may be illegally mixing dangerous waste and used oil which is prohibited at WAC 173-303-515(5)(e).

During the inspection, VLS personnel stated that they placed used fluorescent lamps in the trash and then intentionally broke them. The regulations found in WAC 173-303 provide two options for properly managing waste fluorescent lamps. In the first option, fluorescent lamps that are no longer usable are a solid waste, and you may elect to follow the designation procedures found at WAC 173-303-70 through WAC 173-303-100. Under this option if they are found to be dangerous waste they must be managed according to the regulations for dangerous waste generators which are found at WAC 173-303-170 through WAC 173-303-200. Among other things, these regulations require you to include the waste fluorescent lamps in your waste quantity calculation which may affect your generator size and also require you to ensure there are no releases of any dangerous waste constituents (such as mercury that may be contained in fluorescent lamps) into the environment.

Alternatively, the waste fluorescent lamps may be managed as universal waste under the less stringent regulations found at WAC 173-303-573(9)(c)(ii) which require that small quantity handlers of universal waste lamps must minimize lamp breakage by accumulating lamps in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. The containers of universal waste lamps must remain closed. You must manage your used fluorescent lamps under one of these options to avoid being in violation of WAC 173-303.

### **Required Action**

Within fifteen (15) days of receipt of this NOV and Warning Letter, the EPA requests that you submit a written response and/or photographs that identify actions you have taken or will take to correct the above violation. This violation may subject VLS to enforcement action under Section 3008 of RCRA, including the assessment of civil penalties.

Please send all material submitted in response to this NOV and Warning Letter to Jack Boller by email at [bolter.jack@epa.gov](mailto:bolter.jack@epa.gov), or to the following address:

Jack Boller  
U.S. Environmental Protection Agency  
Air-RCRA Compliance Unit, OCE-127  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101

### **EPA Reservation of Rights**

Notwithstanding this NOV and Warning Letter or your response, EPA reserves the right to take any action pursuant to RCRA or any other applicable legal authority. Your response to this NOV and Warning Letter does not constitute compliance with RCRA.

Nothing in this NOV and Warning Letter or your response shall affect duties, obligations, or responsibilities with respect to VLS under local, state, or federal law or regulation.

Thank you for your prompt attention to this important matter. If you have questions regarding this NOV and Warning Letter, please contact Jack Boller of my staff at 206-553-2953 or [bolter.jack@epa.gov](mailto:bolter.jack@epa.gov).

Sincerely,



Edward J. Kowalski  
Director

cc: Lisa Brown  
Washington Department of Ecology  
Eastern Regional Office